

CAMERON STOUT, CASB NO. 117373
 cameron.stout@kyl.com
 GARRETT R. WYNNE, CASB NO. 220665
 garrett.wynne@kyl.com
 KEESAL, YOUNG & LOGAN
 A Professional Corporation
 Suite 1500
 Four Embarcadero Center
 San Francisco, California 94111
 Telephone: (415) 398-6000
 Facsimile: (415) 981-0136

Attorneys for Defendant and Third Party Plaintiff
 WEDBUSH MORGAN SECURITIES INC.

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

ACORN CAPITAL GROUP, LLC.,) Case No. C 06 1674 JSW

Plaintiff,)

vs.)

WEDBUSH MORGAN SECURITIES INC.)
 and MAX SAFDIE,)

Defendants.)

**STIPULATION AND [PROPOSED]
 ORDER FOR CONTINUING
 DISCOVERY DATES**

AND RELATED CROSS-ACTION)

I. INTRODUCTION

On March 14, 2008, the parties submitted their most recent [Proposed] Order for Continuing Discovery Dates. On March 18, 2008, the Court issued an Order continuing the Expert Discovery deadline to May 9, 2008 (from April 11, 2008) and continuing the deadline to complete Non-Expert discovery to April 17, 2008 (from March 17, 2008).

During the week of March 3-7, 2008, Plaintiff's counsel traveled to San Francisco and the parties completed the depositions of Wedbush's Rule 30(b)(6) witnesses (Messrs. Ohlson, Krug and Brandon) and the second portion of Max Safdie's deposition.

1 Thereafter, on March, 7, 2008, Edward Safdie advised that he would not be able to
2 attend his scheduled deposition because he was ill and had been instructed by his doctor
3 not to participate in the deposition. Based upon Mr. Safdie's representations and in the
4 interests of avoiding submitting a petition to compel Mr. Safdie's deposition, the parties
5 conferred with Mr. Safdie and obtained his agreement to appear at his continued
6 deposition on April 7, 2008. In order to avoid the expense and inconvenience of two
7 separate trips to New York by Wedbush's counsel, the parties agreed to continue the
8 depositions of Mr. Quan and Mr. Nitz for the same week as the agreed date of
9 Mr. Safdie's continued deposition.

10 Thereafter, on March 31, 2008, Wedbush's attorney Garrett R. Wynne (who had
11 been scheduled to travel to New York on April 6, 2008 for the depositions of Messrs.
12 Quan, Safdie and Nitz) was unexpectedly required to travel to Anchorage, Alaska for two
13 weeks to defend a temporary restraining order / preliminary injunction matter.¹ As a
14 result of this other matter, Mr. Wynne was unable to travel to New York as intended
15 and the parties agreed to re-schedule the remaining East Coast depositions to the week
16 of April 21, 2008. The deposition of an additional nonparty witness, Beal Bank, located
17 in Plano, Texas, has been scheduled for April 29, 2008. In light of the parties'
18 agreement, and to allow sufficient time for the parties to complete these depositions and
19 for the parties' experts to consider the upcoming deposition testimony, the parties
20 respectfully request that the Court move the deadline to complete Non-Expert discovery
21 to May 1, 2008 and the deadline for Expert discovery to May 23, 2008, with expert
22 disclosures to be exchanged on or before May 9, 2008. This additional time will not
23 impact any of the Court's other deadlines, as the trial is not set to commence until
24 September 8, 2008.

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28 ¹ United States District Court, District of Alaska Case number 3:08-CV-00067-TMB.

1 Accordingly, the parties have entered into the following stipulation, and
2 respectfully request that the Court execute this Proposed Order based on that
3 stipulation.


1 II. STIPULATION

2 The parties, by and through their attorneys of record herein, submit their
3 Stipulation and Proposed Order Continuing Certain Pretrial Dates as follows:

- 4
- 5 1. The deadline to complete expert discovery may be continued from
6 May 9, 2008 to May 23, 2008 (with expert disclosures due by May 9,
7 2008).
- 8 2. The deadline to complete non-expert discovery may be continued
9 from April 17, 2008 to May 1, 2008.

10 IT IS SO STIPULATED.

11
12 DATED: April 16, 2008



GEOFFREY POTTER
SUSAN JACQUEMOT
KRAMER LEVIN NAFTALIS & FRANKEL
LLP
Attorneys for Plaintiff
ACORN CAPITAL GROUP LLC

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15
16
17 DATED: April __, 2008

CAMERON STOUT
GARRETT R. WYNNE
KEESAL, YOUNG & LOGAN
Attorneys for Defendant and Third-Party
Plaintiff
WEDBUSH MORGAN SECURITIES INC.

18
19
20
21
22 DATED: April __, 2008

MAX SAFDIE, *IN PRO PER*

II. STIPULATION

The parties, by and through their attorneys of record herein, submit their Stipulation and Proposed Order Continuing Certain Pretrial Dates as follows:

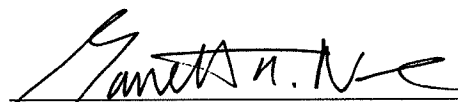
1. The deadline to complete expert discovery may be continued from May 9, 2008 to May 23, 2008 (with expert disclosures due by May 9, 2008).
2. The deadline to complete non-expert discovery may be continued from April 17, 2008 to May 1, 2008.

IT IS SO STIPULATED.

DATED: April __, 2008

GEOFFREY POTTER
SUSAN JACQUEMOT
KRAMER LEVIN NAFTALIS & FRANKEL
LLP
Attorneys for Plaintiff
ACORN CAPITAL GROUP LLC

DATED: April 16, 2008


CAMERON STOUT
GARRETT R. WYNNE
KEESAL, YOUNG & LOGAN
Attorneys for Defendant and Third-Party
Plaintiff
WEDBUSH MORGAN SECURITIES INC.

DATED: April 16, 2008


MAX SAFDIE, IN PRO PER

ORDER

Based on the stipulation of the parties and good cause appearing, the Court hereby vacates certain of the previously-set pretrial dates and amends the Court's Scheduling Order as follows:

1. The deadline to complete expert discovery may be continued from May 9, 2008 to May 23, 2008 (with expert disclosures due by May 9, 2008).
2. The deadline to complete non-expert discovery may be continued from April 17, 2008 to May 1, 2008.

Dated: April 17, 2008


HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT COURT JUDGE